

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Clinton Brown

v.

PLAINTIFF(S)

Clark R. Taylor, AICP, The Los Angeles County Department of
Regional Planning

DEFENDANT(S)

CASE NUMBER

2:23-cv-03366-MEMF-KS

**ORDER ON REQUEST TO PROCEED
IN FORMA PAUPERIS
(NON-PRISONER CASE)**

The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

- ☒ is not able to pay the filing fees. ☐ is able to pay the filing fees.
- ☐ has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

IT IS THEREFORE ORDERED that:

- ☐ The Request is GRANTED.
- ☐ Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- ☐ The Request is DENIED because the filer has the ability to pay.
- ☒ As explained in the attached statement, the Request is DENIED because:
- ☐ The District Court lacks ☐ subject matter jurisdiction ☐ removal jurisdiction.
- ☐ The action is frivolous or malicious.
- ☒ The action fails to state a claim upon which relief may be granted.
- ☐ The action seeks monetary relief against defendant(s) immune from such relief.

IT IS FURTHER ORDERED that:


- ☐ Within 30 days of the date of this Order, the filer must do the following:

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

- ☒ As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED ☒ WITHOUT PREJUDICE ☐ WITH PREJUDICE.
- ☐ This case is REMANDED to state court as explained in the attached statement.

May 18, 2023

Date


United States District Judge

Because Plaintiff Clinton Brown ("Plaintiff") is seeking leave to proceed in forma pauperis, the Court has screened the Complaint for the purpose of determining whether the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2).

This action is duplicative of one Plaintiff currently has pending in this Court. In Case No. 2:22-cv-09203-MEMF-KS, Plaintiff has sued Clark R. Taylor for actions related to the denial of Plaintiff's application for a solar facility permit. Here, Plaintiff also sues Clark R. Taylor based on the same underlying denial of a solar facility permit. Accordingly, this action must be dismissed. See *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) ("[t]here is no abuse of discretion where a district court dismisses under § 1915[] a complaint that merely repeats pending or previously litigated claims.") (citation and internal quotations omitted); see also *Diamond v. City of Los Angeles*, 700 F. App'x 727, 728 (9th Cir. 2017) (district court did not abuse its discretion by dismissing action that was duplicative of plaintiff's earlier action against the same defendant in the same district court) (citation omitted).

To the extent Plaintiff wishes to supplement or amend his claims against Defendant Taylor, Plaintiff must do so in the already pending action.

(attach additional pages if necessary)